

Staff Summary Report



Hearing Officer Hearing Date: August 7, 2007

Agenda Item Number: 16

SUBJECT: This is a public hearing for a request by **THE TEXTBOOK GUY LLC (PL070310)** located at 1212 East Apache Boulevard for one (1) use permit.

DOCUMENT NAME: 20070807dsjc04

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **SUN STOP PLAZA – THE TEXTBOOK GUY LLC (PL070310)** (James Moore, applicant; Royal West Investments Inc., property owner) located at 1212 East Apache Boulevard in the CSS, Commercial Shopping and Services District for:

ZUP07098 Use permit to allow a temporary sales tent for textbook sales.

PREPARED BY: Jon Christopher, Planner II (480-350-8436)

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

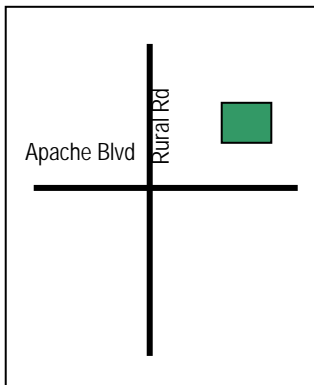
A handwritten signature in black ink, appearing to read 'SEA'.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions (1 - 3).

ADDITIONAL INFO: The applicant, The Textbook Guy, LLC is requesting a use permit for outdoor retail sales (textbooks and related merchandise) from a tent at Sun Stop Center, an existing shopping plaza. The site is located 1212 South Terrace Road in the CSS, Commercial Shopping and Services. The center is located at the northeast corner of Terrace Road and Apache Boulevard. The proposed sales site is located just west of Sun Stop Liquor within the parking lot. The applicant will utilize the area of two (2) parking lots from August 19th to August 25th. To date, there has been no public input regarding the request. Staff recommends approval of the proposal as submitted, with conditions.



PAGES:

1. List of Attachments
2. Comments; Reason for Approval
3. Conditions of Approval; History & Facts/Description;
Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Floor plan
- 6-7 Staff Photograph(s)

COMMENTS:

The applicant, The Textbook Guy, LLC is requesting a use permit for outdoor retail sales (textbooks and related merchandise) from a tent at Sun Stop Center, an existing shopping plaza. The site is located 1212 South Terrace Road in the CSS, Commercial Shopping and Services. The center is located at the northeast corner of Terrace Road and Apache Boulevard. The proposed sales site is located just west of Sun Stop Liquor within the parking lot. The applicant will utilize the area of two (2) parking lots from August 19th to August 25th. The site is bounded on the west by existing tenants in Sun Stop Plaza, south by CSS (Commercial Shopping and Services) and R-4 (Multi-Family Residential) and north by CSS (Commercial Shopping and Services).

The Textbook Guy, LLC will be operating five days a week.. The business is to be staffed by five (5) other employees aside from the owner. The proposal indicates that on the evening of August 25th, the applicant will cease operations and remove the tent and merchandise from the property. To date staff has not received any public input.

Use Permit

The Zoning and Development Code requires a use permit for outdoor retail display within the CSS, Commercial Shopping and Services District. This use permit request meets all applicable tests in the following manner:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - This use, with conditions, should not create nuisances within the commercial zoned area.
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
 - The proposed development would not contribute to neighborhood deterioration or downgrade property values. The requested use permit will not be detrimental to the surrounding area.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.
The proposed development would not contribute to neighborhood deterioration or downgrade property values. The requested use permit will not be detrimental to the surrounding area.

Conclusion

Staff recommends approval of the use permit with conditions

REASON(S) FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. The use appears to be compatible with the site and adjacent property.
3. There appears to be a demonstrated need for this use at the proposed location

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

**CONDITION(S)
OF APPROVAL:**

1. The applicant shall remove all necessary equipment and clean up the lot of his site location after his use permit has expired (August 25th after 7 pm).
2. The retail display and sales shall not conflict with pedestrian or vehicular traffic.
3. The applicant shall remove the tent display from the parking lot at the end of each work day (7:00 pm).

HISTORY & FACTS:

December 21, 1993 The Board of Adjustment approved a parking variance for Partners Bar and Grill to reduce parking from 93 spaces to 77 spaces.

DESCRIPTION:

Owner – Royal West Investments Inc.
Applicant – James Moore
Existing Zoning – CSS, Commercial Shopping and Services District
Lot Area Size – 50,628 s.f. / Acres - 1.16
Building Size – 12, 674 s.f.
Building build - 1988
Parking Required – 106 spaces
Parking Provided – 77 (Variance BA 930226)

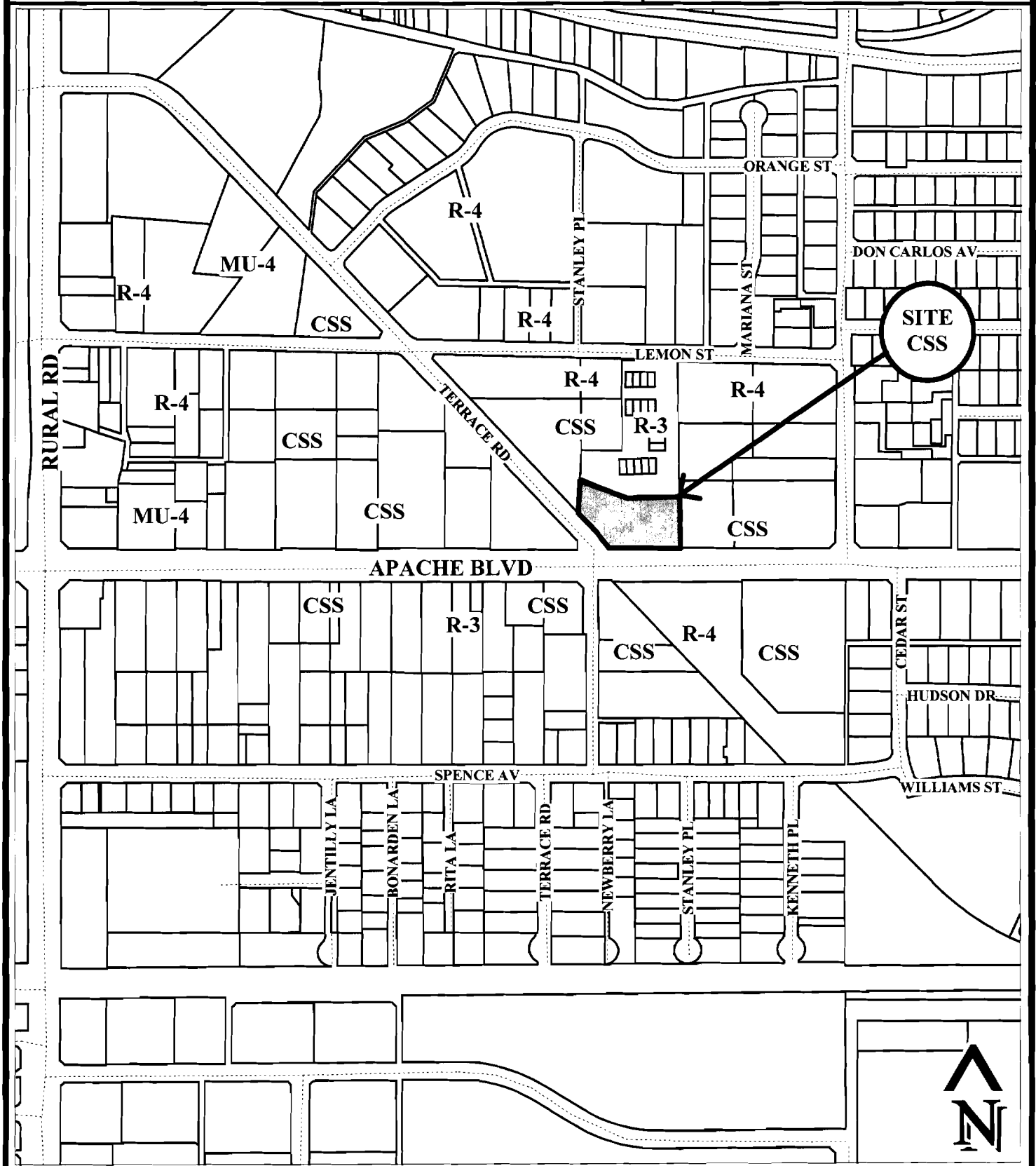
**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Part 3, Chapter 2, Section 3-302
Permitted Uses in Commercial and Mixed-Use Districts – Table 3-302A – Outdoor Retail Display in CSS (Commercial Shopping and Services District) requires a use permit;

Part 6, Chapter 3, Section 6-308
Use Permit.

**SUN STOP PLAZA -
THE TEXTBOOK GUY LLC**

PL070310





SUN STOP PLAZA - THE TEXTBOOK GUY LLC (PL070310)

July 9, 2007

To: Development Services and Planning
31 East Fifth Street
Tempe, AZ 85280-5002

From: The Textbook Guy, LLC
902 West Thirteenth Street
Tempe, AZ 85281

Subject: Letter of Explanation

Dear Sir or Madam:

My name is James Moore and I am the regional manager for The Textbook Guy, LLC. We are applying for a use permit to sell our textbooks and merchandise from a stand located in the parking lot of the Sun Stop Plaza located at 1212 Apache Lane, Tempe, AZ. Below I have briefly outlined the time, space, personnel and equipment that we will be using to conduct our sales operation from the location stated above.

Time

I would need a small amount of space (roughly 3 parking spaces) from August 19th to August 25th. Classes start on August 20th and I would be using the first day to set up and work out any sort of problems with our sales process. We would break down the stand and remove our equipment on the night of August 25th. Daily operations would be conducted during the hours 9 AM to 7 PM.

Space

I would need a space that is approximately 10' X 20' and prefer that it is enclosed on 3 sides. I would also need access to electricity and Internet if possible.

Personnel

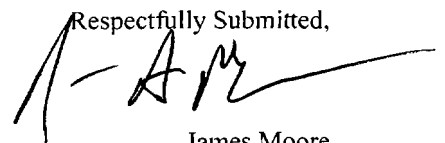
We would be responsible for staffing our sales counter and handling all of the sales of our products.

Equipment

We would bring in a small countertop, a laptop computer, a cash register and the products that we intend to sell to students at the University. Other equipment may be brought in (such as fencing and a generator) to help up manage our needs

Please inform me if more information is needed in order for us to secure a use permit.

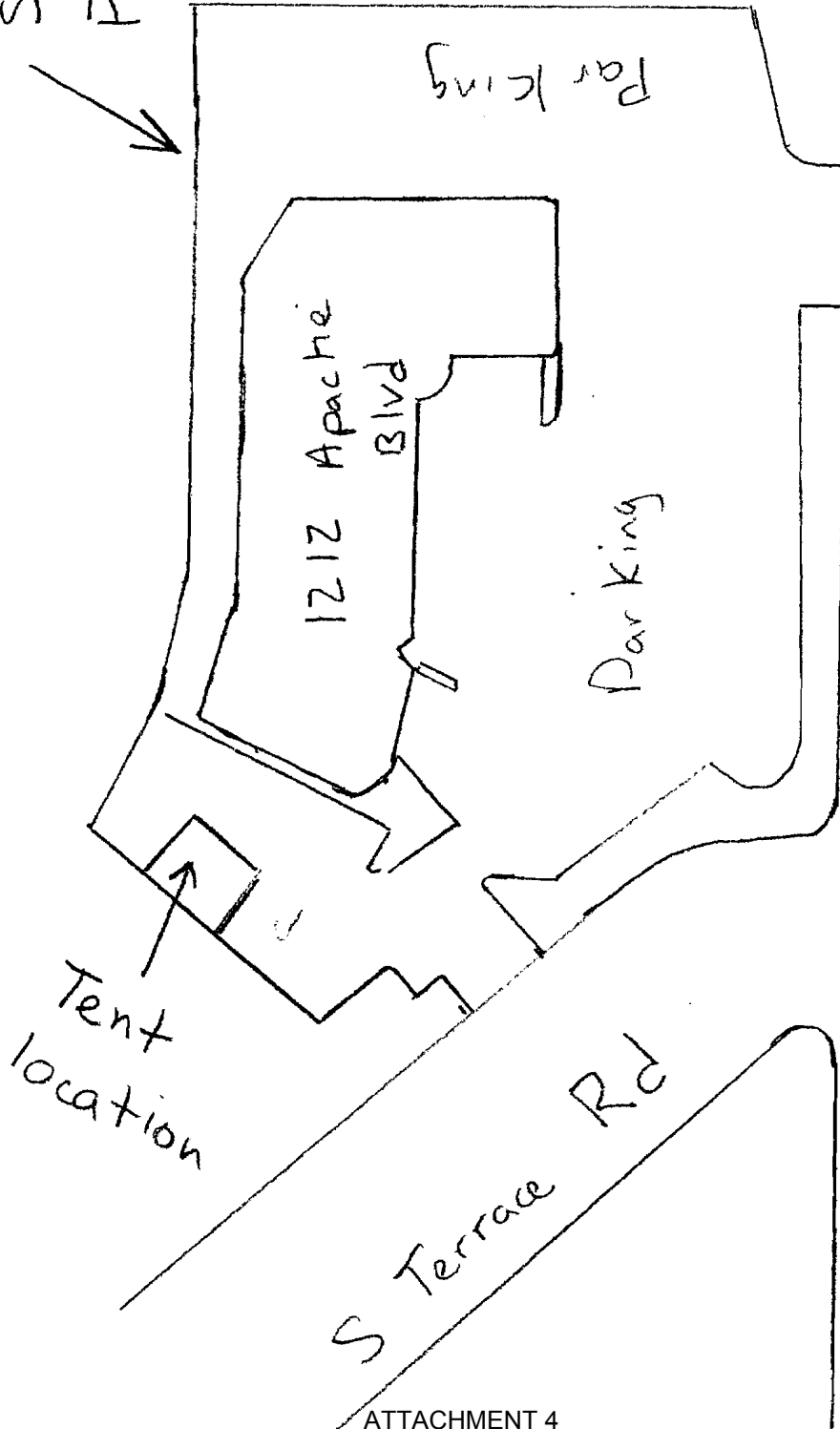
Respectfully Submitted,



James Moore
The Textbook Guy, LLC
Phone: (480)921-2224
Cell: (480)381-2809
e-mail: jmoore@thetextbookguy.com

Site Plan

Sun
Stop
Plaza

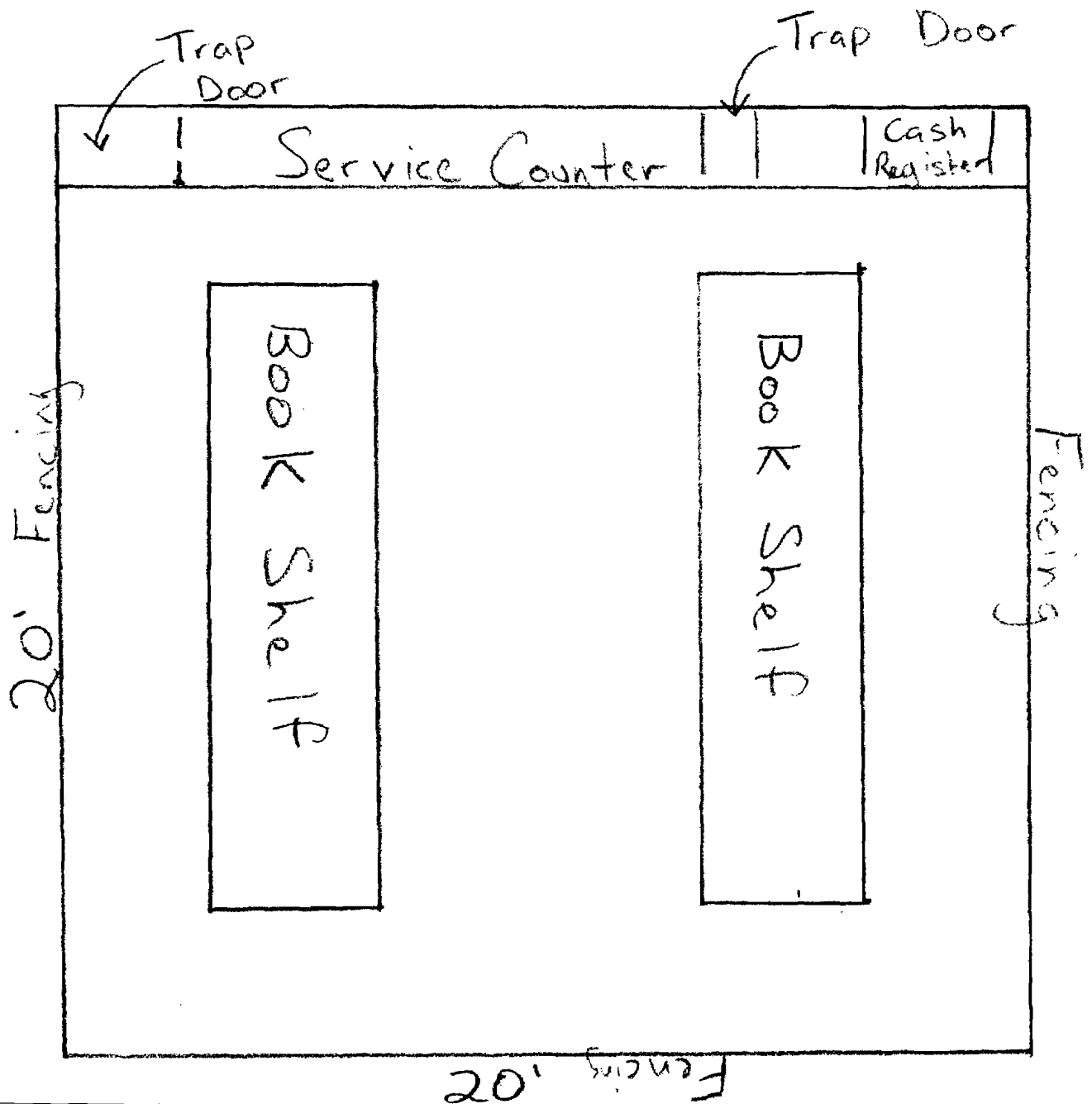


Apache Blvd.

Existing
Store

Floor Plan

2





SUN STOP PLAZA – THE TEXTBOOK GUY LLC

1212 EAST APACHE BLVD

PL070310

VEIW FACING NORTH WEST OF PROPERTY



SUN STOP PLAZA – THE TEXTBOOK GUY LLC

1212 EAST APACHE BLVD

PL070310

VEIW FACING NORTH WEST OF PROPERTY